

Effective 5/10/2016

64-13e-103 Contracts for housing state inmates.

- (1) Subject to Subsection (6), the department may contract with a county to house state inmates in a county or other correctional facility.
- (2) The department shall give preference for placement of state inmates, over private entities, to county correctional facility bed spaces for which the department has contracted under Subsection (1).
- (3)
 - (a) The compensation rate for housing state inmates pursuant to a contract described in Subsection (1) shall be:
 - (i) 86% of the final state daily incarceration rate for beds in a county that, pursuant to the contract, are dedicated to a treatment program to state inmates, if the treatment program is approved by the department under Subsection (3)(c); and
 - (ii) 73% of the final state daily incarceration rate for beds in a county other than the beds described in Subsection (3)(a)(i).
 - (b) The department shall:
 - (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish standards that a treatment program is required to meet before the treatment program is considered for approval for the purpose of a county receiving payment based on the rate described in Subsection (3)(a)(i); and
 - (ii) determine on an annual basis, based on appropriations made by the Legislature for the contracts described in this section, whether to approve a treatment program that meets the standards established under Subsection (3)(b)(i), for the purpose of a county receiving payment based on the rate described in Subsection (3)(a)(i).
 - (c) The department may not approve a treatment program for the purpose of a county receiving payment based on the rate described in Subsection (3)(a)(i), unless:
 - (i) the program meets the standards established under Subsection (3)(b)(i);
 - (ii) the department determines that the Legislature has appropriated sufficient funds to:
 - (A) pay the county that provides the treatment program at the rate described in Subsection (3)(a)(i); and
 - (B) pay each county that does not provide a treatment program an amount per state inmate that is not less than the amount per state inmate received for the preceding fiscal year by a county that did not provide a treatment program; and
 - (iii) the department determines that the treatment program is needed by the department at the location where the treatment program will be provided.
- (4) Compensation to a county for state inmates incarcerated under this section shall be made by the department.
- (5) Counties that contract with the department under Subsection (1) shall, on or before June 30 of each year, submit a report to the department that includes:
 - (a) the number of state inmates the county housed under this section; and
 - (b) the total number of state inmate days of incarceration that were provided by the county.
- (6) Except as provided under Subsection (7), the department may not enter into a contract described under Subsection (1), unless the Legislature has previously passed a joint resolution that includes the following information regarding the proposed contract:
 - (a) the approximate number of beds to be contracted;
 - (b) the final state daily incarceration rate;
 - (c) the approximate amount of the county's long-term debt; and
 - (d) the repayment time of the debt for the facility where the inmates are to be housed.

- (7) The department may enter into a contract with a county government to house inmates without complying with the approval process described in Subsection (6) only if the county facility was under construction, or already in existence, on March 16, 2001.
- (8) Any resolution passed by the Legislature under Subsection (6) does not bind or obligate the Legislature or the department regarding the proposed contract.

Amended by Chapter 167, 2016 General Session